

Did you know...

No one may divulge any information about the content, status, etc. of the unsolicited proposals except the FAC buyer

P3 Process for Unsolicited Proposals

vendor

1. Persons, businesses or other entities may submit unsolicited proposals for a capital project or other contract to the governmental agency with a copy to the Secretary of the Finance and Administration Cabinet.
2. Unsolicited proposals must be submitted in a sealed envelope marked "unsolicited proposal" and contain a cover letter to the agency identifying any proprietary information in the proposal that is exempt from public disclosure per KRS 61.878 or other applicable law.

agency

3. Once an agency receives an unsolicited proposal, the agency must do one of the following within 90 days:
 - a) Determine to not consider the unsolicited proposal. After 90 days of no action, the unsolicited proposal is deemed rejected.
 - b) Determine to consider further action. At this point, a public notice must be published.
4. If the agency determines to consider further action per paragraph 3 (b), the agency must develop and submit a P3 Requisition (RQP3) in eMARS. The RQP3 must include specific information regarding the proposed nature, timing and scope of the unsolicited proposal. Any trade secrets, financial records, or other records of the person or business making the proposal shall not be included unless otherwise agreed to by the agency and the person or business. The agency must attach their qualitative and quantitative analysis conducted per 200 KAR 5:355 Section 2 to the RQP3 and provide the original unsolicited proposal to FAC for the solicitation file.

FAC

5. OPS or DECA will develop a P3 Notice in eMARS (P3) selecting P3 Category. The P3 Notice will include the information from the RQP3, a due date of 30-90 days from date of issue for competing proposals, instructions for submitting competing proposals and any required terms and conditions. OPS/DECA will post the P3 Notice on the eProcurement Vendor Self Service (VSS) web portal for 30-90 days.
6. Upon the end of the posting period, OPS or DECA will create Solicitation Response documents (SRW) for all competing proposals received. OPS or DECA will also provide copies of the proposals received to the agency.

agency

7. Within 90 days, the agency must determine one of the following and notify OPS or DECA that:
 - a) The unsolicited proposal and the competing proposal concepts are not in the best interest of the Commonwealth and they are not pursuing further action. OPS or DECA will complete a document comment to the RQP3 stating that the P3 is closed.
 - b) It is in the best interest of the Commonwealth to proceed with some or all of the concepts provided by the unsolicited proposal or other competing proposals received.
8. If the agency determines it is in the best interest to proceed with some or all of the concepts provided by the unsolicited proposal or other competing proposals per paragraph 7 (b) they must develop a P3 requisition (RQP3) in eMARS for a Request for Proposal (RFP).
 - a) The RQP3 must reference Procurement Type 27 for P3.
 - b) Attach the P3 RFP template and the written determination issued by the agency head to the RQP3 and submit the RQP3 to DECA or OPS in eMARS. The RFP template covers the requirements according to KRS 45A.077 (4) and KRS 45A.190.
 - c) Submit a copy of the P3 RFP for capital projects to the Capital Projects and Bond Oversight Committee.

FAC

9. DECA or OPS will issue the RFP in accordance with KRS 45A.085, KRS 45A.077 and 200 KAR 5:355. OPS or DECA will create SRW's for all responses received and create the EV to document evaluation comments. The agency is authorized to retain any professional services necessary for adequately reviewing and evaluating the P3 proposals if adequate expertise within the agency is unavailable.
10. If negotiations are successful, OPS or DECA will award the contract or master agreement referencing Procurement Type 27 for P3 and finalize the EV.

GCRC

11. After award, the contract will be filed with the Government Contract Review Committee (GCRC) per KRS 45A.077 (9). A standalone Proof of Necessity (PON) must be attached to the contract per KRS 45A.077 (9) and KRS 45A.695 (2).